

November 10, 2010

Craig Whitenack, Civil Investigator
United States Environmental Protection Agency
Region IX, Southern California Field Office
600 Wilshire Avenue, Suite 1420
Los Angeles, California 90017

**Re: Yosemite Creek Superfund Site, San Francisco, CA
Response to 104(e) Information Request**

This letter responds to the August 26 letter from James Hanson requesting a revised or supplemental response to the October 15, 2009 request for information ("RFI") of the United States Environmental Protection Agency ("EPA") to Rochester Midland Corporation (for Bytech Chemical) ("RMC") with regard to the Yosemite Creek Superfund site (the "Site"). Bytech Chemical had a facility located at 1905 Dennison Street, Oakland, California 94606. In 1982, RMC purchased certain assets of Bytech Chemical Company. RMC responded to the RFI by letter dated January 6, 2010. Subject to both the general and specific objections set forth in the January 6 response and without waiving these or other available objections or privileges, RMC submits the following in response to the EPA's request for additional information related to its RFI.

ROCHESTER MIDLAND CORPORATION (FOR BYTECH CHEMICAL)

**REVISED AND SUPPLEMENTAL RESPONSES TO OCTOBER 15, 2009 EPA
INFORMATION REQUESTS**

1. *Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying each of the products manufactured by Bytech prior to 1982, when RMC acquired the assets of Bytech, is not feasible due to the lack of records available. RMC has prepared a listing of chemical products and raw materials that contained a COC, which were in inventory at Bytech Chemical Company in 1982 when RMC acquired the assets of Bytech and the status of those products as of 1988. A copy of that listing is attached as Exhibit 1.

Rochester Midland Corporation (RMC), a New York corporation, was founded in 1888. Chemical products for washroom sanitation were produced in various Rochester, New York facilities. In 1928, RMC added the packaging and distribution of feminine hygiene products purchased from national manufacturers, with sales west of the Mississippi going thru

distributors. The feminine hygiene products were and still are then sold through vending machines.

Starting in 1972, RMC acquired a number of small companies, mostly janitor supply distributors. In California that included four janitor supply companies (Ten Eyck Supply Company, Alhambra Products, Merit Sanitary Supply Company, Inc., and Foremost Maintenance Supplies Company) plus Bytech Chemical and two toilet seat cover converters (Clark Paper Converting in 1997 and Protecto in 2000). Janitor supply companies purchase and re-sell institutional chemicals such as floor finishes, hand soaps, disinfectants, degreasers, etc. plus a myriad of housekeeping items such as paper towels, mops, buckets, etc. For the period 1982 to 1999, Bytech Chemical, as a division of RMC, blended a line of cleaners, disinfectants, floor finishes, hand soaps, and related products, purchasing most of their raw materials from suppliers in California. It is probable that Rochester Midland facilities in the east provided some finished products sold from the Bytech facility during the period of 1982 to 1999.

In approximately 1978, RMC added specialty chemical product lines in water treatment and food safety chemicals, none of which were produced in California.

Feminine hygiene products described above were purchased from three suppliers, packaged by RMC, and then shipped to the west coast for sale through distributors after being warehoused by RMC. In 2000, RMC acquired Protecto Company, a manufacturer of toilet seat covers, located in Ontario, California. The Ontario site is currently the packaging and distribution site for toilet seat covers, and the distribution point for specialty chemicals manufactured primarily in Aurora, Illinois. The Protecto site incorporated a small earlier toilet seat cover manufacturer, Clark Paper Converting, which was located in Industry, California.

2. *Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:*

- a. *ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.*
- b. *are/were located in California (excluding locations where ONLY clerical/office work was performed);*
- c. *are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC is providing EPA with certain information related to RMC's Facility that allegedly shipped drums or other containers to the BAD Site.

2. a. Bytech Chemical Company, 1905 Dennison Street, Oakland, California. RMC purchased certain assets of Bytech Chemical Company on January 19, 1982. RMC continued operations there until June 1, 2001. Small quantity production was continued by RMC from 1982 until November 1, 1999 when the facility was then used only for office and warehousing. In June 2001, RMC ceased use of this facility. RMC has a few shipping documents indicating that drums were shipped to Bay Area Drum for reconditioning and a few purchase orders indicating that some reconditioned drums were purchased from BADC. Refer to Exhibit 2.a.

b. (i) Bytech Chemical Company. See Response 2.a. above.

(ii) RMC acquired Ten Eyck Supply Company on September 29, 1973. Ten Eyck Supply Company was located at 833 East 6th Street, Los Angeles, California. Ten Eyck was a general distributorship of janitorial supplies, paper products, waxes, and commercial cleaning chemicals. RMC has no information regarding product inventory that came with the acquisition.

(iii) RMC acquired Alhambra Products on July 31, 1975. Alhambra Products was located at 7672 Clairemont Avenue, San Diego, California, and 7666 Clairemont Avenue, San Diego, California, and Unit D. Bldg #12, Kearney Ind. Park, San Diego, California. Alhambra Products was a distributor of janitorial supplies. A copy of the inventory listing that included chemical at the time of acquisition is attached as Exhibit 4(iii).

(iv) RMC acquired Merit Sanitary Supply Company, Inc. on October 31, 1985. Merit Sanitary Supply Company, Inc. was located at 832 Britton Avenue, San Carlos, California. Merit Sanitary Supply Company, Inc. was a janitorial and sanitary supply and equipment distributor. RMC has no information regarding product inventory that came with the acquisition.

(v) RMC acquired Foremost Maintenance Supplies Company on June 29, 1987. Foremost Maintenance Supplies Company was located at 9716 Alburdis Avenue, Santa Fe Springs, California. Foremost Maintenance Supplies Company was a distributor of janitorial supplies.

(vi) RMC used a facility located at 7201 S. Paramount Blvd., Pico Rivera, California as a warehouse and distribution facility for southern California. RMC would have stored janitorial and sanitary supply products and equipment including among other things disinfectants, hand soaps, floor finishes and sealers. RMC has no documents or records regarding the products stored in inventory at the Pico Rivera facility.

c. RMC had no facilities outside of California that shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale where the drum or container was itself the object of the sale.

3. *Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:*

- a. *the date such operations commenced and concluded; and*
- b. *the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome

Notwithstanding the foregoing, and without any waiver of its objections, RMC is providing EPA with certain information related to the RMC Facility that allegedly shipped drums or other containers to the BAD Site and the other California facilities that were in operation during the Relevant Time Period.

a&b. (i) From 1982, when RMC purchased certain assets of Bytech, RMC continued to manufacture and warehouse janitorial and cleaning products at the Bytech facility until November 1, 1999. On November 1, 1999, RMC ceased production at the Bytech facility, but continued to use the facility as a warehouse until June 1, 2001 when RMC vacated the facility.

a&b. (ii) The facility located at 833 East 6th Street, Los Angeles, California may have been used by RMC for office, warehousing and distribution. RMC has no records or other information indicating whether RMC continued use of the facility after the acquisition of Ten Eyck Supply Company. However, by the early 1980's RMC was leasing warehouse space at 7201 S. Paramount Blvd., Pico Rivera, California and would have serviced Southern California customers from that location until June 1997 when RMC ceased use of the Pico Rivera facility.

a&b. (iii) The facilities located at 7672 Clairemont Avenue, San Diego, California, and 7666 Clairemont Avenue, San Diego, California, and Unit D. Bldg #12, Kearney Ind. Park, San Diego, California may have been used for office, warehousing and distribution. RMC has no records or other information indicating whether RMC continued use of these facilities after the acquisition of Alhambra Products. However, by the early 1980's, RMC was leasing warehouse space at 7201 S. Paramount Blvd., Pico Rivera, California and would have serviced Southern California customers from that location until June 1997 when RMC ceased use of the Pico Rivera facility.

a&b. (iv) The facility located at 832 Britton Avenue, San Carlos, California was not used by RMC after the acquisition of Merit Sanitary Supply. Former Merit customers would

have been serviced out of the Bytech facility from the time of the acquisition until RMC ceased use of the Bytech facility in June 2001.

a&b. (v) The facility located at 9716 Alburdis Avenue, Santa Fe Springs, California was not used by RMC after the acquisition of Foremost Maintenance Supplies Company. Former Foremost customers would have been serviced out of the Pico Rivera facility at 7201 S. Paramount Blvd., Pico Rivera, California from the time of acquisition until RMC ceased use of the Pico Rivera facility in June 1997.

a&b. (vi) The facility located at 7201 S. Paramount Blvd., Pico Rivera, California was used for warehousing and distribution for RMC's janitorial and sanitary supply customers in southern California until RMC ceased use of the Pico Rivera Facility in June 1997.

4. *For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC is providing EPA with certain information and documents that contain information related to RMC's Facility that allegedly shipped drums or other containers to the BAD Site.

(i) For Bytech: RMC has provided some documentation regarding the acquisition including the first and last page of the Purchase Agreement, plus the page describing the assets purchased, plus the inventory listing that was included with the closing documents. Refer to Exhibit 4(i)-1. In addition, RMC prepared a listing of chemical products and raw materials that contained a COC, which were in inventory at Bytech in 1982 when RMC acquired the assets of Bytech and the status of those products as of 1988. A copy of that listing is attached as Exhibit 1. No mercury, dichlorodiphenyltrichloroethane ("DDT"), chlordane, dieldrin, or polychlorinated biphenyls ("PCBs") were found in any of the formulas. Small amounts of both lead and zinc were part of some of the formulas.

The first class of products that contained COCs were aqueous based floor finishes and included Spectrum Floor Finish (aka BiLOC, Prestige, 905 Splendor), Ultra 2000 (aka #910 Cross-Link), and Duo Cote Finish (aka Prestige 26). These finished products contained a small amount of zinc as zinc ammonium carbonate. Documents verifying this are attached and include the wt% sheet, the MSDS and/or the product data or marketing brochures from the supplier for the raw material used to make the floor finish. Refer to Exhibit 4(i)-2 and Exhibit 4(i)-2-a. Generically speaking, aqueous based floor finishes of this era were manufactured from metal (zinc) -cross-linked modified acrylic polymers. These materials are still widely used today. Also included are approximate calculated values of the percent zinc in these formulas.

The second class of products sold by Bytech as a division of RMC, was solvent based wood and concrete urethane floor sealers. The floor sealer formulas of this era all contained a small amount of metal naphthenate. The two formulas sold by Bytech as a division of RMC including, Hyseal #1 and Hylite #1, both contained lead naphthenate. Refer to Exhibit 4(i)-3 for documents verifying this including the wt% sheet and raw material spec sheet for naphthenate. Also indicated are calculated values of the amount of lead in these two products. All production of the Hyseal #1 and Hylite #1 formulas containing lead ceased in 1988.

In addition, RMC has provided copies of labels, MSDS, and formula process sheets for finished products that contained an SOI (zinc or lead) that had been manufactured and/or sold by Bytech as a division of RMC after the asset acquisition by RMC. Refer to Exhibit 4(i)-3 and Exhibit 4(i)-4.

RMC has no other records regarding the storage, production, purchase, or use of products containing an SOI produced and/or warehoused at the Bytech Facility.

(ii) For Ten Eyck: RMC has provided a copy of the first and last page of the Purchase Agreement for the acquisition of Ten Eyck. RMC has no records regarding the storage, production, purchasing, or use of products that were warehoused at the Ten Eyck location. There was no inventory listing included with the acquisition closing documents. Refer to Exhibit 4(ii).

(iii) For Alhambra: RMC has provided a copy of the first and last page of the Purchase Agreement for the acquisition of Alhambra Products. In addition, RMC has provided documentation showing the chemical products that were in inventory at the time of acquisition. RMC has no records regarding the storage, production, purchasing, or use of products that were warehoused at the Alhambra locations. Refer to Exhibit 4(iii) RMC has no information as to the composition of any of the products shown on the Exhibit 4(iii).

(iv) For Merit: RMC has provided a copy of the first and last page of the Purchase Agreement for the acquisition of Merit Sanitary Supply Company. There was an inventory listing included with the acquisition closing documents, however, there was no product identifier included on the listing, only a numerical listing. Refer to Exhibit 4(iv). RMC did not use the Merit facility after the acquisition.

(v) For Foremost: RMC has provided a copy of the first and last page of the Purchase Agreement for the acquisition of Foremost Maintenance Supplies Company. The inventory listing included with the closing documents did not contain detail as to the specific product in inventory at the time of acquisition. Refer to Exhibit 4(v). RMC has no information regarding the products in inventory at the time of acquisition. RMC did not use the Foremost facility after the acquisition.

(vi) For Pico Rivera: RMC has no information regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period.

5. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes containing the COCs) at any of the Facilities? State the factual basis for your response.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without waiver of its objections, RMC submits the following.

(i) For Bytech: RMC produced and warehoused janitorial cleaning chemicals including floor finishes at the Bytech location after the asset acquisition by RMC. RMC has prepared a listing of chemical products and raw materials that contained a COC, which were in inventory at Bytech in 1982 when RMC acquired the assets of Bytech and the status of those products as of 1988. A copy of that listing is attached as Exhibit 1. RMC continued to manufacture at this facility in small batch quantity until November 1, 1999 and continued warehousing at this facility until June 1, 2001. RMC has few records regarding the products produced, purchased, used or stored at this facility for the period after the asset acquisition in 1982 until the closing of the facility in 2001. However, RMC did manufacture in small quantity floor finishes including Spectrum Floor Finish (aka BiLOC, Prestige, 905 Splendor), Ultra 2000 (aka #910 Cross-Link), and Duo Cote Finish (aka Prestige 26), each of which contained a small percentage of zinc. RMC also continued to manufacture in small quantity floor sealers including Hyseal #1 and Hylite #1, both of which contained small percentage of lead. Refer to Exhibit 4(i)-2, Exhibit 4(i)-2a, Exhibit 4(i)-3 and Exhibit 4(i)-4.

(ii) For Ten Eyck: RMC has no records regarding the storage, production, purchasing, or use of the products warehoused at the Ten Eyck location.

(iii) For Alhambra: RMC has no records regarding the storage, production, purchasing, or use of the products warehoused at the Alhambra locations except for the inventory listing at the time of acquisition. Refer to Exhibit 4(iii). RMC has no information regarding the composition of the products that were in inventory at the time of acquisition.

(iv) For Merit: RMC did not use the Merit Facility after the acquisition.

(v) For Foremost: RMC did not use the Foremost Facility after the acquisition.

(vi) For Pico Rivera: RMC has no records regarding the storage, production, purchasing, or use of any products containing an SOI at the Pico Rivera Facility.

6. *If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

(i) For Bytech: Refer to Exhibit 1 and Exhibit 4(i)-2, Exhibit 4(i)-3 and Exhibit 4(i)-4.

(ii) For Ten Eyck: RMC has no information regarding any COC produced, purchased, used or stored at the Ten Eyck location.

(iii) For Alhambra: RMC has no information regarding any COC produced, purchased, used or stored at the Alhambra locations.

(iv) For Merit: RMC did not use the Merit Facility after the acquisition.

(v) For Foremost: RMC did not use the Foremost Facility after the acquisition.

(vi) For Pico Rivera: RMC has no information regarding any COC produced, purchased, used, or stored at the Pico Rivera location.

7. *If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.*

RESPONSE:

(i) For Bytech: The COCs identified in Exhibit 1 were produced, purchased, used or stored by RMC from the date of acquisition of Bytech in 1982 until the Bytech facility was closed on 6/1/2001. Refer to Response 4(i).

8. *If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

For Bytech: RMC has no information regarding the average annual quantity of any COC produced, purchased, used or stored at the Facility.

9. *If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

RMC has no information regarding the volume of each COC disposed annually by the Facility. RMC did not generate waste material as a result of production as the clean-out of mixing tanks was used in subsequent batches.

10. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without waiver of its objections, RMC submits the following.

RMC never produced, purchased, used or stored hydraulic oil or transformer oil at any of the Facilities. RMC had no need to utilize hydraulic oil or transformer oil in any of its operations.

11. *If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

RESPONSE:

See Response No. 10.

12. *If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored.*

RESPONSE:

See Response No. 10.

13. *If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.*

RESPONSE:

See Response No. 10.

14. *If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

See Response No. 10.

15. *Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:*

- a. *Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the time period for each use;*
- b. *Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;*
- c. *State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;*
- d. *Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without waiver of its objections, RMC submits the following.

a. For Bytech: Zinc, in very small percentages, was used as a component in RMC floor finish formulations. Generally speaking, aqueous based floor finishes of this era were manufactured from metal (zinc) – cross-linked modified acrylic polymers. These materials are still widely used today. Formulas for the three floor finish products manufactured by RMC at the Bytech Facility are attached as Exhibit 4(i)-4. The percentage zinc found in each formula is also shown. The calculation for determining the percentage of zinc in each formula is based on the percentage zinc in the suppliers' emulsion polymer. The finished products include Spectrum (aka BiLOC, Prestige, 905 Splendor), Ultra 2000 (aka #910 Cross-Linker), and Duo-Cote Finish (aka Prestige 26). The calculations for percentage zinc in each of the above listed floor finishes is attached as Exhibit 4(i)-2a.

Lead naphthenate, in very small percentages, was used as a component in floor sealer formulations, Hyseal #1 and Hylite #1. Formulas for these two products manufactured by RMC at the Bytech Facility are attached as Exhibit 4(i)-3. The calculation for determining the percentage of lead in each formula is based on the raw material spec sheet for naphthenate.

b. For Bytech: RMC has only a few records from this time period including specification sheets and or marketing information from the following suppliers: Morton Thiokol, Inc., Morton Chemical Division, Rohm & Haas, and Interpolymer. In each case the supplier literature only describes the emulsion polymer as a "metal-containing polymer". However, it is known to industrial chemists that the metal referred to in the suppliers' literature is zinc and is so described in the suppliers' MSDS. Refer to Exhibit 4(i)-2 and 4(i)-2a.

c. For Bytech: The raw material or finished product would have been delivered in closed containers. The Bytech Facility was a small facility and RMC only manufactured and stored small quantities of floor finishes and sealers along with other janitorial supply chemicals and equipment.

d. For Bytech: RMC has no information regarding how, where, when or by whom the containers used to store raw materials containing small percentages of zinc or lead were cleaned, removed from the Facility, or disposed of, except for a few shipping documents which indicate that RMC shipped a few drums to Bay Area Drum for reconditioning. RMC does not know what had been in the drums sent to BAD for reconditioning.

16. *For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, tote, etc.);*
- b. *whether the containers were new or used; and*
- c. *if the containers were used, a description of the prior use of the container.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without waiver of its objections, RMC submits the following.

RMC has no records or other information regarding the containers that suppliers would have used to ship the raw material containing small percentages of zinc or lead that may have been delivered to the Bytech Facility for use in blending the floor finishes and sealers.

17. *For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide*

a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC has no information or documents that contain information related to the shipment of drums or other containers to the BAD Site from Bytech Facility other than the records provided in Exhibit 2.a. and no information or documents related to other RMC Facilities.

18. *For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identity all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC has no information or documents that contain information related to the shipment of drums or other containers to the BAD Site from Bytech Facility after the asset acquisition by RMC other than the records provided in Exhibit 2.a. and no information or documents related to other RMC Facilities.

19. *For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC has no documents or information regarding the ownership of Substance-Holding Containers for Bytech Facility or any of the other Facilities. Any containers holding finished product floor finishes or sealers would have been shipped to customers.

20. *Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC has not had operations at the Bytech Facility since June 2001.

Thomas R. Miller was Plant Manager for a short time prior to the closure of the Bytech Facility in June 2001.

Robert Quintana was the Plant Manager at the Bytech Facility prior to Thomas Miller. RMC has no information regarding the employment of Robert Quintana.

21. *Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:*

- a. *the type of container in which each type of waste was placed/stored;*
- b. *how frequently each type of waste was removed from the Facility; Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC has no documents or information regarding the storage of waste containing SOIs at the Bytech Facility.

22. *Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, dumpster, etc.);*
- b. *the colors of the containers;*

- c. *any distinctive stripes or other markings on those containers;*
- d. *any labels or writing on those containers (including the content of those labels);*
- e. *whether those containers were new or used; and*
- f. *if those containers were used, a description of the prior use of the container;*

Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC has no information or documents that contain information related to the shipment of drums or other containers to the BAD Site from Bytech Facility other than the records provided in Exhibit 2.a. and no information or documents related to other RMC Facilities

23. *For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC has no documents or information regarding contracts, agreements, or other arrangements for the disposal, treatment, or recycling of waste containers containing SOIs. RMC has no information regarding the substance that was in the drums sent to BADC by Bytech Facility, except for the shipping documents provided in Exhibit 2.a. RMC believes that waste was not generated from its production of floor finishes and sealers. All finished product was packaged for sale to customers. The clean-out from the mixing tanks would have been used in subsequent batches.

24. *Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the*

individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC identifies such individuals as follows:

Donna Mandell, Manager, EH&S – Current employee since 11/2004. Supervisor is Dr. Joel Shertok.

Walter Friedlander, Manager, EH&S – Employed by RMC from 8/23/99 – 11/6/2004. Supervisor was Dr. Donald Wyman (retired).

Paul Ferruzza, Manager, EH&S – Current employee; hired in 11/2002. Paul Ferruzza was responsible for EH&S from 5/2002 until 1/2005. Supervisor was Dr. Donald Wyman (retired).

Barbara Minor, Manager, R&D Compliance Manager – RMC has no employment records regarding Barbara Minor. We do know that she is **Privacy Act** Supervisor was Dr. Donald Wyman (retired).

Carl Bisanz, Manager of EH&S. We have no records regarding Carl Bisanz's employment with RMC. We know that he retired in 1990 and passed away in **Privacy Act** Supervisor was Dr. Donald Wyman (retired).

25. *Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC has no records or information regarding the purchase of drums or other containers from a drum recycler or drum reconditioner, except for the documents showing that RMC purchased a few drums from Bay Area Drum Company. See Exhibit 2.a.

26. *Prior to 1988, did Respondent always keep its waste streams that contained SOIs separate from its other waste streams?*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC's manufacturing process at Bytech included bringing in raw materials, mixing those raw materials, and then packaging the mixture as finished product to be sold to customers. No waste containing SOI's was generated in the process. Material from the clean-out of tanks would have been used in subsequent batches. RMC has no other information or records regarding the waste streams at the Bytech Facility.

27. *Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. where (a) one of the COCs was addressed by the cleanup and (b) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (b) is related to one of the above-mentioned sites.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC has not been involved in any removal or remedial action conducted pursuant to the CERCLA or comparable law or any corrective action, or any cleanup conducted where one of the COC's was addressed and at which RMC paid a portion of the cleanup costs or performed work.

28. *Provide all records of communication between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum Company, Inc.; Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, please refer to Exhibit 2.a. for RMC records regarding the shipment of containers from the Bytech Facility to

Bay Area Drum Company, Inc and the purchase of reconditioned drums from Bay Area Drum Company, Inc.

29. *Identify the time periods regarding which Respondent does not have any records regarding the SOIs that were produced, purchased, used, or stored at the Facilities.*

RESPONSE:

RMC repeats its General and Specific Objections to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, RMC has very few records regarding any products that were produced, purchased, used, or stored at the Facilities except for records provided in Exhibit 1, Exhibit 4(i)-1, Exhibit 4(i)-2, Exhibit 4(i)-2a, Exhibit 4(i)-3, and Exhibit 4(i)-4.

30. *Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.*

RESPONSE:

RMC repeats its General and Specific Objections to this request. Notwithstanding the foregoing, and without any waiver of its objections, RMC submits the documents referenced herein in a separate binder enclosed with this response.

Any questions EPA may have regarding the responses to these information request may be directed to Ronald G. Hull, Senior Counsel, Underberg & Kessler, 300 Bausch & Lomb Place, Rochester, New York 14604.

ROCHESTER MIDLAND CORPORATION

A handwritten signature in black ink, appearing to read "Katherine C. Lindhal, Esq.", written over the printed name.

Katherine C. Lindhal
Executive Vice President, &
President, Specialty Chemicals Division